

AMENDMENTS TO THE DRAWINGS:

The attached drawing(s) include changes to FIG. 1 correcting the typographical error in the word "volume."

REMARKS

INTRODUCTION:

In accordance with the foregoing, new claim 8 has been added, claim 7 has been cancelled and no claims have been amended. In addition, FIG. 1 of the drawings has been revised to correct a typographical error. A replacement figure has been provided. No new matter has been added by way of the drawing correction or the new claim.

Claims 1-6 and 8 are pending in the present application. Claims 1, 3, 5, 6 and 8 are independent claims. Reconsideration of the claims in light of the present amendments and the following remarks is respectfully requested.

OBJECTION TO THE DRAWINGS:

FIG. 1 of the drawings stands objected to at page 2, item 1, of the Office Action. Corrections to FIG. 1 have been requested and a replacement figure is submitted here. Therefore, the outstanding drawing objections should be resolved.

Reconsideration and withdrawal of the outstanding objections to the drawings is respectfully requested.

REJECTIONS UNDER 35 USC §§102 and 103:

Claim 7 stands rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application No. 2004/0001704 by Chan et al. ("Chan"). Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as being obvious over Chan in view of the Abstract of Korean Patent Publication No. P1997-0029482 by Jin Yong Bang ("Bang Abstract"). All of the rejections are respectfully traversed.

Independent claim 5 recites at least the following:

"comparing the input index information with a maximum number of still pictures in a first track of the optical disk;"

Chan and Bang Abstract, alone or in combination, fail to suggest or disclose all of the above-recited features of amended independent claim 1.

The Office Action notes at page 6 that Chan fails to describe all of the above-recited features. However, the Office Action proposes to modify Chan with Bang Abstract asserting that

Bang Abstract describes all of the above-recited features. Applicant respectfully disagrees with this assertion for at least the following reasons.

Applicant first notes, as described in greater detail below, that a rejection based on an abstract instead of the underlying technical document is improper. Accordingly, Applicant requests a translation of Bang Abstract in order to demonstrate that the abstract fails to anticipate or render obvious the claims of the present application.

Further, Bang Abstract describes a method in “a VCR in which an image desired by a viewer is searched for and then reproduced as a still image in a playback mode.” However, Applicant disagrees that “video in a tape” can be relied upon to disclose a “first track of the optical disk,” as asserted in the Office Action. Still further, Bang Abstract is completely silent with respect to “a maximum number of still pictures.” In fact, Bang Abstract does not even include the term “maximum,” or a synonym of the term. Moreover, index information of a disk is completely different than “frame sequence data” from a video tape.

Independent claim 5 recites at least the following:

“reading a still picture from the optical disk, corresponding to the input index information if the input index is less than the maximum number of still pictures in the first track;”

Chan and Bang Abstract, alone or in combination, fail to suggest or disclose all of the above-recited features of amended independent claim 1.

The Office Action notes at page 6 that Chan fails to describe all of the above-recited features. However, the Office Action proposes to modify Chan with Bang Abstract asserting that Bang Abstract describes compensates for the deficiencies of Chan. Applicant respectfully disagrees with this assertion because a video tape cannot be relied upon to disclose an “optical disk,” as asserted in the Office Action.

Moreover, the Office Action asserts that “frame sequence data” of a video tape discloses “index information of a disk.” Applicant again disagrees because the Office Action provides no rationale as to how “frame sequence data” of a video tape may be relied upon to teach index information, as recited in claim 5.

Independent claim 5 recites at least the following:

“reproducing the still picture and the audio stream if the input index is less than the maximum number of still pictures in the first track.”

Chan and Bang Abstract, alone or in combination, fail to suggest or disclose all of the above-recited features of amended independent claim 1.

The Office Action again asserts that the combination of Chan with Bang Abstract to describe all of the above-recited features. Applicant respectfully disagrees with the assertion because the combination of Chan and Bang Abstract cannot be relied upon to describe all of the above-recited features, when the combination fails to even describe "the maximum number of still pictures in the first track," as argued by Applicant above.

Accordingly, Applicant respectfully submits that claim 5 patentably distinguishes over Chan and Bang Abstract, and should be allowable for at least the above-mentioned reasons. Since similar features recited by each of the independent claims 1, 3, and 6, with potentially differing scope and breadth, are not suggested or disclosed by Chan and Bang Abstract, the rejection should be withdrawn and claims 1, 3, and 6 also allowed.

Further, Applicants respectfully submit that claims 2 and 4, which variously depend from independent claims 1 and 3, should be allowable for at least the same reasons as claims 1 and 3, as well as for the additional features recited therein.

REJECTION BASED ON ABSTRACT IS IMPROPER / TRANSLATION REQUESTED:

Applicants assert the rejection of claims 1-6 based on the Bang Abstract is improper. MPEP § 706.02, part II states:

Citation of and reliance upon an abstract without citation of and reliance upon the underlying scientific document is generally inappropriate where both the abstract and the underlying document are prior art. See *Ex parte Jones*, 62 USPQ2d 1206, 1208 (Bd. Pat. App. & Inter. 2001) (unpublished).

Further, "if a document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection" (MPEP 706.02, section II (emphasis added)). Accordingly, Applicant respectfully requests a translation of the Bang Abstract in any future Office Action relying on the same in order to demonstrate that the Bang Abstract fails to anticipate or render obvious the claims of the present application. In addition, Applicant requests that support for the rejection be provided from the specification of the Bang Abstract if the rejection is to be maintained.

Further, any subsequent Office Action should be made non-final to give Applicant an opportunity to review the Office's position as to these arguments and to clarify the record for appeal.

NEW CLAIM:

New independent claim 8, having additional patentable features, has been added. Consideration of the new claim is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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